

Claire Hong, Remedial Project Manager
September 15, 2008

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WESTERN MARINE CONSTRUCTION, INC.
1011 S.W. KLINKITAT WAY, SUITE 103
SEATTLE, WA 98134

U.S. EPA
CERCLA SECTION 104(e)
INFORMATION REQUEST

SITE: Lower Duwamish Waterway, Seattle, WA
Storage Yard
7245 - 2nd. Avenue South
Seattle, WA 98108

King County Parcel Number: 6871200695

Date: 1990 to present

RESPONSE TO INFORMATION REQUEST

1. Respondent Information

a. Provide the full legal name and mailing address of the Respondent.

Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134

b. For each person answering these questions on behalf of Respondent, provide:

- i. full name;*
- ii. title*
- iii. business address*
- iv. business telephone number and FAX machine number.*

William Kerzie, Secretary-Treasurer
Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134
Telephone: 206-622-9161
Fax: 206-622-9170

The following individuals also provided assistance to Western Marine Construction, Inc. in answering, and/or providing documents that are responsive to this 104(e) Request:

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Steve Parkinson, Esq.
Groff Murphy, PLLC
300 E. Pine Street
Seattle, WA 98122
Telephone: 206-628-9500
Fax: 206-628-9506

c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.

Mr. Kriss E. Hart, President
Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134

d. State the dates during which Respondent held any property interests at or within one-half mile of the above mentioned address.

Western Marine Construction, Inc. has not held any property interests at or within one-half mile of the above mentioned address. Western Marine has rented the northern portion of subject parcel from Boyer Logistics, Inc. / Boyer Towing, Inc. from November 2001 to present.

e. State the dates during which Respondent conducted any business activity at or within one-half mile of that address.

(1) From approximately 1980 to present, Western Marine Construction, Inc. has utilized the freight/consolidation and barging services of Boyer Towing, Inc. / Boyer Logistics, Inc. located at 7318 – 4th Avenue South, Seattle, WA 98108.

(2) From November 2001 to present, Western Marine Construction, Inc. has rented the northern portion of subject parcel located at 7245 – 2nd Avenue South, Seattle, WA 98108 from Boyer Logistics, Inc. / Boyer Towing, Inc.

f. Describe the nature of Respondent's business activities at the above mentioned address or within one-half mile of that address.

(1) 7318 – 4th Avenue South
Seattle, WA 98108

Western Marine Construction, Inc. has utilized the freight/consolidation services of Boyer Logistics, Inc. / Boyer Towing, Inc. for the receipt and consolidation of construction equipment, supplies, and materials destined for projects in Alaska and or other ports, and for the barging services of same to various required locations.

(2) 7245 – 2nd Avenue South
Seattle, WA 98108

Western Marine Construction, Inc. has rented the northern portion of subject parcel from Boyer Logistics, Inc. / Boyer Towing, Inc. from November 2001 to present. There is no formal Rental Agreement / Contract between Western Marine Construction, Inc. and Boyer Logistics, Inc. / Boyer Towing, Inc. on this parcel. This parcel is gated, fenced, and has had a paved asphalt surface since before November 2001. It is used for the temporary storage of heavy construction equipment, and container vans of supplies, materials, and/or tools, that are in transition between various projects. Boyer Logistics, Inc. / Boyer Towing, Inc. has access to this storage yard to transfer items back and forth to/from its main location at 7318 – 4th Avenue South as needed for departure or arrival to/from Alaska or other locations.

Western Marine Construction, Inc. has occasionally performed incidental equipment repairs at this storage yard, such as wiring or minor parts replacement. Such repairs have not resulted in the creation of any waste or hazardous materials. Any major equipment repairs are performed by various equipment suppliers at their respective business location(s). When heavy construction equipment arrives from Alaska via Boyer Towing, Inc. or other common carrier(s), it is either sent to an equipment auction if no longer needed, or to equipment supplier facilities for repairs, or is temporarily stored at this storage yard until needed.

Western Marine Construction, Inc. does not perform any other business activity at this location, and does not have full-time personnel on site.

g. In relation to your answer to the previous question, identify all materials used or created by your activities at the above mentioned address, including raw materials, commercial products, building debris, and other wastes.

Western Marine Construction, Inc. does not perform business activities at the above two locations that would cause it to use or create materials, including raw materials, commercial products or other wastes. Over the years, Western Marine has occasionally received used equipment oil from Alaska locations, and the services of local recycling companies such as Basin Oil Company, Inc. and Emerald Recycling have been utilized for the proper disposal thereof.

h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:

- i. the U.S. Bankruptcy court in which the petition was filed;*
- ii. the docket numbers of such petition;*
- iii. the date the bankruptcy petition was filed;*

- iv. *whether the petition is under Chapter 7 (liquidations), Chapter 11 (re-organization), or other provision; and*
- v. *a brief description of the current status of the petition.*

Western Marine Construction, Inc. has never filed for bankruptcy.

2. Site Activities and Interests

a. Provide all documents in your possession regarding the ownership or environmental conditions of the property mentioned above, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs.

Western Marine Construction, Inc. does not have any documents of ownership, environmental condition or related information in its possession. It does have a recent photograph of the storage yard located at 7245 – 2nd Avenue South, Seattle, WA 98108, which is provided as a part of this response.

b. Provide information on the condition of the property when purchased; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways.

The northern portion of subject storage yard, King County Parcel Number 6871200695 located at 7245 – 2nd Avenue South, Seattle, WA 98108, had a paved asphalt surface prior to its initial occupation by Western Marine Construction, Inc. on November 1, 2001. It is unknown when the asphalt paving took place. Any fill materials used or other pertinent information regarding the condition of the property upon purchase by the present owner, are unknown to Western Marine.

c. Provide information on past dredging or future planned dredging at this site.

Subject Parcel Number 6871200695 storage yard is not located on the Duwamish River and has not been subject to any known dredging activities.

d. Provide a brief summary of the activities conducted at the site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the site.

Please refer to Paragraphs 1.e., 1.f., and 1.g. for a description of activities conducted at subject Parcel Number 6871200695 located at 7245 – 2nd Avenue South, Seattle, WA 98108 by Western Marine Construction, Inc. while a tenant of the northern portion of this Parcel from November 1, 2001 to present. There are no major industrial activities that would warrant a diagram or flow chart.

e. Provide all documents pertaining to sale, transfer, delivery, disposal of any hazardous substances, scrap materials, and/or recyclable materials to this property.

Upon occasional receipt of used equipment oil in drums, shipped in container vans from its Alaska projects, Western Marine Construction, Inc. has utilized the services of Basin Oil Company, Inc. and Emerald Recycling to properly dispose of this waste, soon after its arrival. Copies of invoices for these services rendered from June 2000 through November 2005 are provided with this response. The recycling invoice dated June 26, 2000 (Exhibit 5), was for recycling services at the Boyer Logistics, Inc. facility located at 7318 – 4th Avenue South. All recycle invoices from November 2001 onward were for recycling services performed at the 7245 – 2nd Avenue South parcel. Any used equipment oil is stored in sealed 55 gallon drums, and remains in a storage container van until the services of an authorized recycling company can be obtained. There have been no incidents involving any leaking or other releases of this used oil.

Recently, there have been a few instances where Western Marine Construction has had some scrap steel from projects out of state and has sold the same to local recyclers such as Independent Metals Company and Seattle Iron and Metals Corporation. Copies of receipts for these sales from June 2007 through May 2008 have been provided with this response.

Otherwise, no hazardous substances, scrap materials, and/or recyclable materials are sold, transferred, delivered, or disposed of on, at or to subject parcel located at 7245 – 2nd Avenue South, Seattle, WA 98108.

f. Provide all information on electrical equipment used at the facility, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

There have been rare occurrences where a welding machine has been used for incidental equipment repairs, otherwise, there is no other known electrical equipment used, including transformers or other electrical equipment that may contain polychlorinated biphenyls (PCBs) on this parcel.

g. Provide information of the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the facility for facility operations.

Western Marine Construction, Inc. does not use oils or fluids for lubrication of machinery or other industrial purposes, or any other chemicals or products at this storage parcel for facility operations. This type of activity is performed by equipment suppliers at their respective facility locations.

h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.

Western Marine Construction, Inc. does not have any plans or maps that include information about storm drainage, above or below surface piping, ditches, catch basins, manholes, treatment/detention or related structures including outfalls, relative to this parcel, nor is it aware that any of the above exist. This parcel consists of a semi-flat asphalt paved surface, surrounded by a cyclone security fence. A minor ditch exists across the front of the parcel between the parcel and the gravel road (Second Avenue South). There are no known connections to sanitary sewer.

i. With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at these properties. Also provide copies of any Stormwater Pollution Prevention or Maintenance Plans or Spill Plans that may have been developed for different operations during the Respondent's occupation of the property.

Western Marine Construction, Inc. does not possess any copies of stormwater or drainage studies or any data from sampling that may have been conducted at this property by others. No known Stormwater Pollution Prevention or Maintenance Plans or Spill Plans have been developed for this property during Western Marine's occupation of this property, as there have not been any operations other than storage or incidental equipment repairs.

3. Information About Others

a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:

- i. Boyer Towing, and*
- ii. Joan Smith.*

As mentioned prior in 1.e. and 1.f., Western Marine Construction, Inc. utilizes Boyer Logistics, Inc. / Boyer Towing, Inc. for consolidation of freight, equipment, materials and supplies for shipment to/from Alaska projects via barge or other common carrier, as necessary. Boyer Logistics, Inc. occasionally transfers equipment or other items between the northern portion of subject parcel at 7245 – 2nd Avenue South and their main yard at 7318 – 4th Avenue South, when required.

No relationship exists or has ever existed between Western Marine Construction, Inc. and Joan Smith.

b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned site including but not limited to the following entities:

- i. Bay Motor Freight, and*
- ii. Red Sann Construction*

Western Marine Construction, Inc. does not have any information on Bay Motor Freight.

Red Samm Construction, Inc., a former tenant of Boyer Logistics, Inc. / Boyer Towing, Inc. apparently stored construction equipment and utilized Boyer Logistics, Inc. / Boyer Towing, Inc. for various freight services. Their last known listed address is as follows:

Red Samm Construction, Inc. (Phone 425-827-2955)
10505 N.E. 38th Place, Suite A
Kirkland, WA 98033

Western Marine Construction, Inc. is not aware of any other prior tenants of subject parcel.

c. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.

The following is a list of current and former employees of Western Marine Construction, Inc. who held either a supervisory or foreman type of position. These current and former employees may have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials to or from, the Site.

- 1) Kriss Hart
Employer: Western Marine Construction, Inc.
Title: President
Business address: 1011 S.W. Klickitat Way, #103, Seattle, WA 98134
Telephone: 206-622-9161
- 2) Joseph Zech
Employer: Western Marine Construction, Inc.
Title: Vice President
Business address: 1011 S.W. Klickitat Way, #103, Seattle, WA 98134
Telephone: 206-622-9161
- 3) William Kerzie
Title: Secretary-Treasurer
Employer: Western Marine Construction, Inc.
Business address: 1011 S.W. Klickitat Way, #103, Seattle, WA 98134
Telephone: 206-622-9161
- 4) Stan Boice (Deceased)
Title: Superintendent

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Employer: Western Marine Construction, Inc.
Business address: 1011 S.W. Klickitat Way, #103, Seattle, WA 98134
Telephone: 206-622-9161

- 5) Steve Middleton (Deceased)
Title: Project Coordinator
Employer: Western Marine Construction, Inc.
Business address: 1011 S.W. Klickitat Way, #103, Seattle, WA 98134
Telephone: 206-622-9161
- 6) Doug Arnold
Title: General Foreman
Employer: Western Marine Construction, Inc.
Business address: 1011 S.W. Klickitat Way, #103, Seattle, WA 98134
Telephone: 206-622-9161

4. Financial Information

a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2002, 2003, 2004, 2005, 2006 and 2007. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.

Subject to its claim of confidentiality asserted in the introductory portion of this response, Western Marine Construction, Inc. responds to this request as follows:

Copies of Federal Corporate Income Tax Returns Form 1120 for tax years 2002 through 2007 are attached and are sealed and stamped confidential. Western Marine Construction's fiscal year runs from May 1st through April 30th. Its Federal Tax Identification Number is [REDACTED]

b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.

Subject to its claim of confidentiality asserted in the introductory portion of this response, Western Marine Construction, Inc. has no financial interest or control of, or is the beneficiary of any assets not identified in its federal tax returns.

c. If the respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:

- i. *a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the*

daily operations or decision-making of the Respondent's business operations at the Site;

- ii. the dates such relationship existed;*
- iii. the percentage of ownership of Respondent that is held by such other entity(ies);*
- iv. for each such affiliated entity, provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;*
- v. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and*
- vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.*

Western Marine Construction, Inc. is not, nor was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, other than stated below.

Western Marine Construction, Inc. was a managing partner in a limited liability company that was organized to perform a specific construction project in Alaska. All income and expense totals of that specific project flowed through this partnership, and the remaining net profit was divided between the two partners as per their respective partnership shares. There were no physical assets placed in the partnership, and no assets or receivables, liabilities, or net worth exist relative to this partnership. The partnership was formed on August 8, 2005 and the final cash distribution was made on February 12, 2008. There were no insurance policies issued in the name of this partnership. The partnership name, partners, and respective shares were as follows:

Partnership Name

Kake Marine, LLC
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134
Federal I.D. Number: 20-3305455

Partners

Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103

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Seattle, WA 98134
Federal I.D. Number: 91-0724583
Partnership share: 70% (Managing Partner)

Kake Kensington Development Corporation
9097 Glacier Highway
Juneau, AK 99801
Federal I.D. Number: 20-4008384
Partnership share: 30%

Because this partnership represented operations for an Alaska project only, and due to the fact that no assets or net worth remain relative to this partnership, we are providing a copy of the last U.S. Return Of Partnership Income Form 1065 for the year 2007 that was filed.

5. Insurance Coverage

a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.

Western Marine Construction, Inc. does not have, nor has it ever had, Property coverage or Pollution coverage on subject parcel location. A letter from our Account Manager at our insurance broker Parker, Smith and Feek of Bellevue, WA, pertaining to same, is provided with this submittal. Also included is a list of Western Marine's General Marine Liability and Bumbershoot policies since the year 2001, along with Loss Runs showing no losses at this property location.

To the best of Western Marine's knowledge, all of the pertinent insurance policies that Western Marine Construction, Inc. has placed or is aware of, are listed on the enclosed Insurance Schedule. Because these insurance policies contain absolute pollution exclusion provisions, and due to the voluminous nature of these insurance policies, Western Marine is not providing any copies thereof. If specifically requested by the EPA, Western Marine will arrange to have copies of subject insurance policies made and will supplement its response. Further, if Western Marine locates or discovers any other insurance policies responsive to this 104(e) Request For Information, it will supplement this response.

b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:

- i. *the name and address of each insurer and of the insured;*
- ii. *the type of policy and policy numbers;*
- iii. *the per occurrence policy limits of each policy, and*
- iv. *the effective dates for each policy.*

Please see Item "5a" for information responsive to this request. All known policies are provided on the enclosed Insurance Schedule provided by our broker, Parker, Smith & Feek.

c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request and identify the time period during which such broker or agent acted in this regard.

Western Marine's current insurance broker since 1994 is Parker, Smith & Feek, Inc. of Bellevue, WA. Our current Account Manager is Kathy A. Bare. Prior to hiring Parker, Smith & Feek, Inc., Western Marine used Stanley T. Scott, Inc. of Seattle, WA (for approximately ten years), and Thompson Agencies, Inc. of Redmond, WA (for approximately five years), both of whom no longer exist.

d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.

There are no existing or past claims made by or on behalf of Western Marine Construction, Inc. under any insurance policy in connection with the Site. Therefore, no documents exist that evidence, refer, or relate to claims made by or on behalf of Western Marine in connection with this parcel.

f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.

The enclosed Insurance Schedule detailing insurance placed through our broker Parker, Smith & Feek, Inc. and submitted with this Response, identifies all of Western Marine's current and historical insurance policies pertinent to this Response.

g. Identify Respondent's policy with respect to document retention.

Western Marine Construction, Inc. has a retention policy of preserving records and documents for seven years. General Ledger, supporting Subsidiary Journals, Corporate and State Income Tax Returns are kept on a permanent basis.

6. Compliance With This Request

a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:

- i. the name and current job title of all individuals consulted;*
- ii. the location where all documents reviewed are currently kept.*

Western Marine Construction, Inc. consulted with, reviewed or relied upon the following sources in responding to this 104(e) Request:

1. Steve Parkinson, Attorney
Groff Murphy, PLLC
300 East Pine Street
Seattle, WA 98122

Mr. Parkinson is our attorney of record for response to this request.

2. Brian Hearst and Kathy Bare, Account Managers
Parker, Smith & Feek, Inc.
2233 – 112th Ave. N.E.
Bellevue, WA 98004

Parker, Smith & Feek, Inc. is our current insurance broker.

3. Kriss Hart, President
Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134
4. Joseph Zech, Vice President
Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134
5. William Kerzie, Secretary-Treasurer
Western Marine Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134
6. King County Parcel Viewer
(via the internet)

This website was utilized in order to obtain a parcel map and general information relating thereto which are being submitted with this Response.

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7. Congressman Norm Dicks
2467 Rayburn House Office Building
Washington, D.C. 20515
8. Congressman Jay Inslee
403 Cannon House Office Building
Washington, D.C. 20515
9. Congressman Dave Reichert
US House of Representatives
1223 Longworth Building
Washington, D.C. 20515
10. Congressman Don Young
2111 Rayburn House Office Building
Washington, D.C. 20515
11. Senator Maria Cantwell
511 Dirksen Senate Office Building
Washington, D.C. 20510
12. Senator Patty Murray
173 Russell Senate Building
Washington, D.C. 20510
13. Senator Lisa Murkowski
709 Hart Senate Office Building
Washington, D.C. 20510
14. Senator Ted Stevens
522 Hart Senate Office Building
Washington, D.C. 20510

All reviewed documents and records pertinent to this Response are currently being kept at Western Marine's main Seattle office located at:

1011 S.W. Klickitat Way
Suite 103
Seattle, WA 98134

Claire Hong, Remedial Project Manager
September 15, 2008

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on October 15,, 2008.



Signature

William Kerzie
Type or Print Name

Secretary-Treasurer
Title

Mailing Address:

William A. Kerzie
Registered Agent for Western Marine
Construction, Inc.
1011 S.W. Klickitat Way, Suite 103
Seattle, WA 98134

